

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC for new TPDES Permit No. WQ0016092001; TCEQ Docket No. 2024-1612-MWD.

On November 20, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration concerning the application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC (Applicant) for new TPDES Permit No. WQ0016092001. The application seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 1,400,000 gallons per day (gpd). The wastewater treatment facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Rd., and Hodgins Rd., in Grayson County, Texas.

The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; the City of Van Alstyne's timely reply; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that the City of Van Alstyne is an affected person and granted its request for hearing. The Commission determined that the remaining hearing requests and requests for reconsideration be denied.


The Commission next determined whether the granted requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and that are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: 1) Whether the draft permit is protective of water quality, including the protection of drinking water, in accordance with applicable regulations including the 30 Tex. Admin. Code Chapter 307 Texas Surface Water Quality Standards; and 2) Whether the draft permit complies with the Commission's regionalization policy pursuant to Tex. Water Code § 26.081. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing request of the City of Van Alstyne is hereby GRANTED;
- 2) The remaining hearing requests and requests for reconsideration are hereby DENIED;
- 3) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit is protective of water quality, including the protection of drinking water, in accordance with applicable regulations including the 30 Tex. Admin. Code Chapter 307 Texas Surface Water Quality Standards; and
 - B) Whether the draft permit complies with the Commission's regionalization policy pursuant to Tex. Water Code § 26.081.
- 4) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
- 5) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

- 6) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



For the Commission

12/3/24

Date Signed